



# Indianapolis Metropolitan Police Department

## Shoplifting Arrest Procedures

General Order 4.23

### POLICY

It is the policy of the Indianapolis Metropolitan Police Department to issue a summons to persons arrested for shoplifting (conversion) whenever possible in lieu of a custodial arrest. However, the department recognizes that there are circumstances where a custodial arrest is more appropriate. Officer discretion is important in the successful implementation of this policy.

### PROCEDURE

#### I. Summons – *Generally*

- A. The decision to arrest or summons a suspected shoplifter will be made by the officer based on the available facts.
- B. To be eligible for a summons, the following criteria must be met:
  - 1. The officer must be able to verify the true identity of the offender;
  - 2. The offender must be a resident of Marion County or an adjacent county;
  - 3. The offender must not have any criminal history relating to theft/conversion or any failure to appear in court history in Marion County or from the county from which they reside; and
  - 4. The value of the shoplifted property may not exceed \$200.00.
- C. Regardless of the above criteria, offenders will *not be eligible for a summons* under the following circumstances:
  - 1. Employee theft;
  - 2. When the offender has fled from or resisted store personnel or law enforcement officers; or
  - 3. Any other circumstances where the officer feels a summons is not the best option.

#### II. Summons Procedure - Adult

- A. Complete a ticket as summons charging the offender with "Criminal Conversion" I.C. 35-43-4-3, a class "A" misdemeanor.
  - 1. Notify the offender that the appropriate court personnel shall be in contact with them in regards to a date and time to attend court proceedings.



2. The summons must either be turned in by the end of the shift for forwarding to the Prosecutor's Office, or placed in the appropriate district headquarters paperwork drop box.

### III. Summons Procedure – Juvenile

- A. Complete a 'Juvenile Promise to Appear' form charging the offender with "Criminal Conversion" I.C. 35-43-4-3, a Class 'A' Misdemeanor.
  1. A parent or legal guardian **MUST** respond in person to the scene in order to sign the Promise to Appear Form.
- B. The officer must completely fill out a 'Juvenile Fact Sheet' with all pertinent information surrounding the circumstances of the alleged offense.
- C. The 'Promise to Appear' form and the 'Juvenile Fact Sheet' must either be turned in by the end of the shift for forwarding to the Juvenile Center, or placed in the appropriate district headquarters paperwork drop box.

### IV. Custodial Procedure (see *General Order Arrest Procedures*)

- A. The offender must be charged with "Theft", I.C. 35-43-4-2, a class "D" felony.
- B. In either arrest or summons, store personnel are responsible for completing all necessary paperwork (i.e. probable cause affidavits, charging information, JUSTIS sheets, etc.).
  1. Store personnel will be required to appear in room T501, Center Tower the following morning to file the paperwork (except Sundays).
- C. Officers must complete an Incident Report entitled Larceny/Shoplifting. The status of the offender will be "Summons" if a summons arrest is made or "Arrested" if a custodial arrest is made.

### V. Evidence

- A. The business suffering the shoplifting loss has the primary responsibility for photographs of evidence or property.
  1. If someone from the business is unable to take the photographs, a departmental ET may be used.

### VI. Vehicles Subject to Seizure (see *General Order Forfeiture of Vehicles and Property*)

- A. Indiana Code 34-24-1-1 states that the following may be seized:
  1. All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner, to facilitate the transportation of the following:
    - a. Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is \$100 or more.